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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|-----------------------------|------------------|
| 10/757,327 | 01/14/2004 | Heinz-Georg Wassenhoven | 0002209.00927 (WSC-2216) | 3477 |

21878 7590 04/20/2005

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EXAMINER

HURLEY, SHAUN R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3765

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,327

Applicant(s)

WASSENHOVEN, HEINZ-GEORG

Examiner

Shaun R Hurley

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5 is/are rejected.
7) ☒ Claim(s) 6-10 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/29/05, 01/14/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because some of the detail numbers have been enclosed in parenthesis, while some have not, possibly causing confusion. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent (10057272) in view of Downey (5522635).

The German Patent teaches a channel plate adapter for an open-end spinning machine (Figure 1) defining an orifice area of a fiber guide conduit and a central through-bore for a yarn withdrawal nozzle, the plate adapter being exchangeably arranged in a receiver of a fiber channel plate for closing a rotor housing during spinning, wherein the channel plate adapter has a clip-on closure (80) at an inlet area of the through-bore for centering and fixing the yarn withdrawal nozzle thereat. While the German Patent essentially teaches the invention as discussed above, including a clip-on closure, he fails to teach the specific closure as claimed. Downey teaches that it is well known to use a plastic (Column 5, line 37) closure comprising a unitary one-piece construction (74). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to utilize the closure of Downey in the invention of the German Patent, so

Art Unit: 3765

as to provide a device to secure the yarn withdrawal nozzle in a more simplified manner. The ordinarily skilled artisan would have known the benefits of utilizing such a one piece closure, thereby simplifying the connecting means, and eliminating unnecessary pieces, resulting in eliminated failure points.

4. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent in view of Downey as applied to claim 1 above, and further in view of Stahlecker et al (4854119).

The combination of the German Patent in view of Downey essentially teaches the invention as discussed above, but fails to teach the specific one piece structure. Stahlecker teaches that it is well known to utilize a closure (Figure 8) having at least two rigid, arcuate centering elements (in between each of 35, the curved base) mated to an edge contour of the withdrawal nozzle, and conically extending interior faced elastic clip-on elements (35) spaced therebetween, wherein the withdrawal nozzle fits within the closure (Figure 7). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to utilize the structure of Stahlecker in the closure of the combination, so as to secure the withdrawal nozzle in a more secure manner.

Allowable Subject Matter

5. Claims 6-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3765

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oetiker (6224066) teaches what is well known in the art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun R Hurley whose telephone number is (571) 272-4986. The examiner can normally be reached on Mon - Fri, 6:30 am - 3:00 pm, off second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SRH
14 April 2005


JOHN J. CALVERT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700